

Application No. 09/872,493
Supplemental Reply to Final Office Action of September 10, 2004

Atty Dkt No. 1360-2329
Bayer No. MST-2329

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Daryn KENNY et al.

Confirmation No.: 9458

Serial No.: 09/872,493

Group Art Unit: 1634

Filing Date: June 1, 2001

Examiner: Jeanine Anne GOLDBERG

Title: HIGHLY SENSITIVE GENE DETECTION AND LOCALIZATION USING IN SITU
BRANCHED-DNA HYBRIDIZATION

DECLARATION UNDER 37 C.F.R. § 1.131
INVENTOR WEI CAO

I, Wei Cao, declare:

1. I am an inventor of the patent application identified above. At the time of the present invention I was employed by Bayer Corporation. I am no longer employed by Bayer Corporation, but I am acting in my capacity as an inventor and assignee of the present invention.

2. I have read the Antao et al. reference and fully understand its contents (Antao et al., *In Situ Hybridization Using the bDNA Technology*, TECHNIQUES IN QUANTIFICATION (Patterson ed., Birkhäuser Boston, January 21, 2000)).

3. I have read the Declaration of Daryn Kenny, I have viewed the unredacted pages of the laboratory notebook referenced therein, I agree with the statements made in the Declaration of Daryn Kenny, and I can confirm that the present invention predates the January 21, 2000, publication date of the Antao et al. reference.

4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the instant application or any patent issuing thereon.

Dated: _____

Wei Cao, Ph.D.